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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Yasuhiro KOGA

Serial No.: 10/508,340

Filed: September 20, 2004

For: LIVE BACTERIA PREPARATION CONTAINING LACTIC ACID BACTERIUM AS  
ACTIVE INGREDIENT AND FOOD CONTAINING LACTIC ACID BACTERIUM

REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

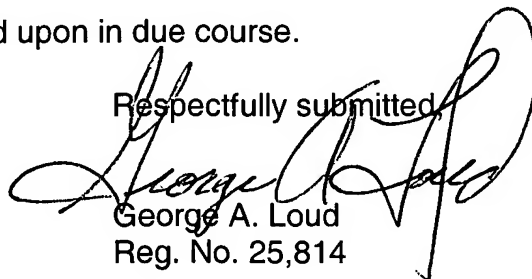
It is respectfully requested that the holding of abandonment set forth in the notice mailed August 9, 2006 be withdrawn as, in fact, there was no abandonment.

A timely response to the "Notification of Missing requirements" dated March 29, 2005 was submitted on May 3, 2005 and constituted a complete response to the notice of March 29, 2005. A copy of applicant's response filed May 3, 2005, together with a copy of the postcard receipt therefor is attached hereto.

Accordingly, it is respectfully requested that the captioned application be returned to pending status and be acted upon in due course.

Dated: September 6, 2006

Respectfully submitted,



George A. Loud  
Reg. No. 25,814

Atty Docket No.: KOGA3003/GAL  
Customer Number **23364**  
Bacon & Thomas, PLLC  
625 Slaters Lane, Fourth Floor  
Alexandria, Virginia 22314  
Telephone: 703-683-0500



The "Received" Stamp of the USPTO imprinted hereon acknowledges the filing of:

Description of Paper: Response to Notification of Missing Requirements; Executed Declaration; copy of Notice; Credit Card Payment Form for \$130.00; and Claim to Priority

Name of Applicant/Patentee: KOGA et al  
Serial No: 10/508,340



# United States Patent & Trademark Office

## Credit Card Payment Form

Please Read Instructions before Completing this Form

### Credit Card Information

Credit Card Type: ☐ Visa ☐ MasterCard ☒ American Express ☐ Discover

Credit Card Account #: [REDACTED] 2003

Credit Card Expiration Date: 06/06

Name as it Appears on Credit Card: George A. Loud

Payment Amount: \$(US Dollars): \$ 130.00

Signature: [Signature]

Date: 5/3/05

Refund Policy: The Office may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts (37CFR 1.26). Refund of a fee paid by credit card will be via credit to the credit card account.

Service Charge: There is a \$50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21 (m)).

### Credit Card Billing Address

Street Address 1: 3137 Mount Vernon Avenue

Street Address 2:

City: Alexandria

State: VA

Zip/Postal Code: 22305

Country: USA

Daytime phone #: 703 739 9393

Fax #: 703 739 9391

### Request and Payment Information

Description of Request and Payment Information:

Surcharge

☒ Patent Fee

☐ Patent Maintenance Fee

☐ Trademark Fee

☐ Other Fee

Application No.

Application No.

Serial No.

IDON Customer No.

10/508,340

Patent No.

Patent No.

Registration No.

Attorney Docket No.

Identify or Describe Mark

TAD-C478



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Yasuhiro KOGA

Serial No.: 10/508,340

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For: LIVE BACTERIA PREPARATION CONTAINING LACTIC ACID BACTERIUM AS  
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RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

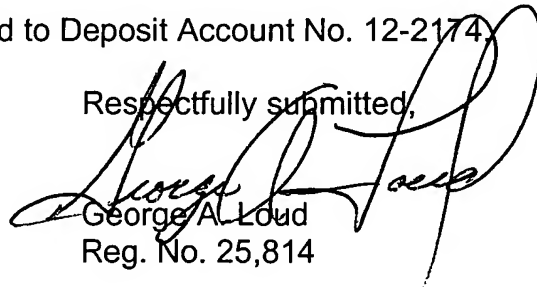
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the notice dated March 29, 2005, (copy attached), submitted  
herewith is an executed declaration and a credit card payment form in the amount of  
\$130.00 to cover the surcharge required under 37 CFR 1.492(e).

Any additional fees may be charged to Deposit Account No. 12-2174.

Respectfully submitted,

  
George A. Loud  
Reg. No. 25,814

Dated: May 3, 2005

LORUSSO & LOUD  
3137 Mount Vernon Avenue  
Alexandria, VA 22305

(703) 739-9393



COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

This declaration is of the following type:

- ☐ original
- ☐ design
- ☐ supplemental
- ☒ national stage of PCT
- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part (CIP)

My residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed for and for which a patent is sought on the invention entitled:

LIVE BACTERIUM PREPARATION CONTAINING LACTIC ACID BACTERIUM AS ACTIVE INGREDIENT AND FOOD CONTAINING LACTIC ACID BACTERIUM

the specification of which

☐ is attached hereto  
☒ was filed on September 20, 2004, as  
Application Serial No. 10/508,340  
and was amended on \_\_\_\_\_  
(if applicable)

☒ was described and claimed in PCT International  
Application No. PCT/JP2002/03177 filed on March 29, 2002  
and as amended under PCT Article ~~33~~ 34 on  
April 23, 2004 (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any Amendment referred to above.

I acknowledge duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

☐ In compliance with this duty there is attached an information disclosure statement. 37 CFR 1.97.



I hereby claim foreign priority benefits under Title 35, United States Code, Sec. 119, of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent of inventor's certificate having a filing date before that of the application on which priority is claimed:

☒ no such applications have been filed  
☐ such applications have been filed as follows.

Prior Foreign Application(s)

<u>          </u> (Number)	<u>          </u> (Country)	<u>                                </u> (day/month/year filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<u>          </u> (Number)	<u>          </u> (Country)	<u>                                </u> (day/month/year filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, Sec. 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Sec. 112, I acknowledge the duty to disclose all information known to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>                                </u> (Application Serial No.)	<u>                                </u> (Filing Date)	<u>                                </u> (patented, pending, abandoned)
<u>                                </u> (Application Serial No.)	<u>                                </u> (Filing Date)	<u>                                </u> (patented, pending, abandoned)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

George A. Loud, Reg. No. 25,814

Anthony M. Lorusso, Reg. No. 25,059

Send correspondence to:  
LORUSSO & LOUD  
3137 Mt. Vernon Avenue  
Alexandria, VA 22305

Direct Telephone calls to:  
George A. Loud  
(703) 739-9393



I hereby declare all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Yasuhiro KOGA

Inventor's signature Yasuhiro Koga Sep. 16, 2004 (Date)

Residence 2254-10, Shimokasuya, Isehara-shi, Kanagawa 259-1143, Japan

Citizenship Japan

Post Office Address Same as above

Full name of second joint inventor, if any \_\_\_\_\_

Inventor's signature \_\_\_\_\_ (Date)

Residence \_\_\_\_\_

Citizenship \_\_\_\_\_

Post Office Address \_\_\_\_\_

Full name of third joint inventor, if any \_\_\_\_\_

Inventor's signature \_\_\_\_\_ (Date)

Residence \_\_\_\_\_

Citizenship \_\_\_\_\_

Post Office Address \_\_\_\_\_

Full name of fourth joint inventor, if any \_\_\_\_\_

Inventor's signature \_\_\_\_\_ (Date)

Residence \_\_\_\_\_

Citizenship \_\_\_\_\_

Post Office Address \_\_\_\_\_